

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD SNYDER, No C-03-4992 VRW
Plaintiff, ORDER
v
DEPARTMENT OF DEFENSE et al,
Defendant.

Pursuant to a stipulation by both parties, the court evaluated the parties' cross-motions for summary judgment as a bench trial on the papers, and issued its findings of facts and conclusions of law on April 29, 2005. Doc #67. On May 11, 2005, plaintiff Snyder filed a notice of appeal to the United States Court of Appeals for the Ninth Circuit, seeking review of the court's April 29, 2005, order. Doc #68. On June 28, 2005, however, plaintiff moved this court for leave to file a motion for reconsideration of the same April 29, 2005, order. Doc #70.

"The filing of a notice of appeal divests the district court of jurisdiction." Gould v Mutual Life Ins Co of NY, 790 F2d

1 769, 771 (9th Cir 1986) (citations omitted). Accordingly, this
2 court was divested of jurisdiction over plaintiff's case on May 11,
3 2005. As a result, this court lacks jurisdiction to entertain
4 plaintiff's motion for leave to file a motion to reconsider, and
5 thus the motion is DENIED.

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7 IT IS SO ORDERED.

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10 VAUGHN R WALKER

11 United States District Chief Judge
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